



KANSAS DEPARTMENT ON AGING
LICENSURE, CERTIFICATION AND EVALUATION COMMISSION
SUNFLOWER CONNECTION
CONNECTING KDOA WITH LONG TERM CARE PROVIDERS

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The Fact Sheet is published by the Kansas Department on Aging

Kathleen Sebelius,
Governor

Pamela Johnson-Betts,
Secretary

Licensure, Certification
and Evaluation
Commission

1000 SW Jackson, Ste. 330
Curtis State Office Bldg.
Topeka, KS 66612-1365

Please route Sunflower Connection to nursing staff and other interested parties in your facility. This publication may be copied or accessed through the internet address above.

MESSAGE FROM THE SECRETARY



As you are certainly aware by now, during the last Legislative Session the Governor and Legislature decided to shift the responsibility for survey, certification and licensure from the Kansas Department of Health and Environment to the Kansas Department on Aging (KDOA). It is my sincere hope that the most significant improvement to result from this shift will be to streamline the system of long term care delivery in this state. Since 1997, KDOA has been responsible for the payment of providers under both the nursing facility and Home and Community Based Services (HCBS) programs. Following the mandate to shift regulatory responsibilities, KDOA developed the Licensure,

Certification and Evaluation Commission. This Commission will be responsible for licensure, survey, certification, and quality assurance of long term care services.

As a matter of philosophy, I strongly believe the safety of those receiving long-term care in Kansas is of the utmost importance. Therefore, I wish to make clear that I intend for the Department to closely adhere to the safety and welfare tenets of both state and federal regulations. Within that framework, I also believe that we all have much to gain from continuing to strive toward the most conciliatory approach possible. If a process of on-going regulation is to be successful we must all continue to build relationships that lend themselves to a combination of education and regulation.

I know first-hand that the quality of care provided to residents is as important to each of you as it is to every member of the KDOA team. In addition to creating a great experience for your customers, improvements in quality of care can improve everything from staff morale, to turnover, and hopefully your bottom line.

From my observations it is clear the Department has worked for several years to build a relationship with the long-term care industry relative to payment rates. I am firmly dedicated to developing such a relationship in regard to regulation and education as well. As with rates, I do not anticipate that we will always agree on what is "best" in terms of regulatory outcome, but I do hope that continuous examination and dialogue will produce excellent results for all involved.

I value both the array of services that you provide to the residents of Kansas, and the dedicated employees that are providing those services. I look forward to working with you, and continue to welcome your input.

Sincerely,

Pamela Johnson-Betts

TRANSFER OF THE ADULT CARE HOME PROGRAM TO THE DEPARTMENT ON AGING

The facility types affected by the transfer to KDOA are nursing facilities, nursing facilities for mental health, intermediate care facilities for the mentally retarded, assisted living, residential health care, home plus, boarding care and adult day care. The Topeka staff will continue to office in Suite 330 of the Curtis Office Building at 1000 SW Jackson Street. It is anticipated that division staff will eventually move to a building with other Topeka KDOA staff. At this time, regional managers and health facility surveyors will continue to be located in the same offices they occupied when working for KDHE. Telephone numbers and E-mail address have not changed. A list of staff and their areas of responsibilities is attached to this newsletter. It is recommended that the list be posted so that facility staff can contact division staff when there are regulatory questions or concerns.

The facilities and agencies licensed under the Kansas Medical Facilities Survey and Construction Act, Home Health Agencies Act and Hospice Act, Health Occupations Credentialing Program and Medicare certified providers other than free standing nursing facilities remain at KDHE. The main telephone number for all types of health facilities and provider types will continue to be (785) 296-1240. It will assist staff if callers identify the type of facility or agency they represent.

In the past few weeks, Licensure, Certification and Evaluation staff has been revising forms and procedures to reflect the transfer. The KDHE website at kdhe.state.ks.us/bhfr will continue to be the resource for information for adult care home providers. Most of the forms have been revised to reflect the transfer to KDOA. The Regulation Manual, regulations and statutes will continue to be available on the KDHE site. There will be no changes in regulation numbering for the present time. MDS education offerings for staff of free standing nursing homes for the fall of 2003 are posted on the website along with enrollment forms.

A listing of Licensure, Certification and Evaluation Commission staff with their areas of responsibility is included with this issue of the *Sunflower Connection*. Please ensure that administrative staff has a copy of this list. It will assist them in identifying whom to call with questions or concerns.

E-mail Distribution List

Since January of 2003, staff has been using an E-mail distribution list as a means for communicating with providers. Facilities that have E-mail capability and received the newsletter by mail are encouraged to notify the commission of their E-mail address. Any employee or member of the public that would like to receive this newsletter can do so by providing their E-mail address. E-mail addresses can be sent to pmaben@kdhe.state.ks.us. Several times in the last few months, staff sent E-mail messages to persons on the distribution as a result of questions received from providers or new information received from the Centers for Medicare/Medicaid Services. This allows division staff to pass on information in a timely manner, rather than waiting until the quarterly newsletter. This issue of the *Sunflower Connection* is being mailed to home plus, boarding care home and adult day care providers. If any of these providers wish to be included on the E-mail distribution list, please send the address to pmaben@kdhe.state.ks.us. Availability of E-mail allows the division to provide communication with facilities on an as needed basis.

MDS Education

With the transfer of the Adult Care Home Program to KDOA, Patricia Maben will be contact person for the Resident Assessment Instrument. Mrs. Maben can be reached at (785) 296-1240 or E-mail at pmaben@kdhe.state.ks.us. Two educational offerings sponsored by KDOA have been scheduled. The first will be October 1, 2003 at the Topeka, Shawnee Public Library and the second at Cornerstone Village in Pittsburg

on November 5, 2003. Information about the classes and the enrollment form is available at kdhe.state.ks.us/bhfr. There is no charge for these educational offerings and continuing education credit **will not be provided**.

Both classes will cover the MDS assessment schedule and coding the MDS using the operational definitions found in the MDS manual. Each participant should bring a copy of the December 2002 *Revised Long-Term Care Resident Assessment Instrument User's Manual Version 2.0*. Those facilities that have not obtained a copy of the revised MDS manual should do so as soon as possible. The manual is available on the CMS website and from a number of publishers. If the facility does not have a revised copy, please contact Patricia Maben for further information. There are a number of changes in the operational definitions. The most significant are found in Section M. Skin Conditions and Section P related to physical restraints and side rails. It is essential that staff have the most current manual to ensure the accuracy of assessments.

Facilities with Zero Deficiencies

Secretary Roderick Bremby of KDHE recognized the following facilities for a zero deficiency resurvey. Secretary Bremby sent a letter of congratulation to each of the facilities listed below. The recognition occurred prior to the transfer of the Adult Care Home Program to KDOA.

Nursing Facilities: Logan County Manor – Logan, Garden Terrace – Overland Park, Brighton Gardens – Prairie Village, Hilltop House – Bucklin, Aberdeen Village – Olathe.

Assisted Living / Residential Health Care: Alterra Sterling House II – Abilene, The Gran Villas, Parkwood Villa – Pratt, The Village of Ninnescah – Clearwater, Cooper's Home Care # 2 – Lawrence, The Autumn Place – Baxter Springs, Angel Arms – McPherson, Georgetown Village – Wichita, Arrowood Lane – Humboldt.

Boarding Care / Home Plus Facilities: Creitz Adult Care Home – Parsons, Independent Living – Smith Center, Circle of Life – Wellington, Midwest Home Place North – Leavenworth, Midwest Place South – Leavenworth, Conene's Private Adult Care – McPherson, J&E Retirement Home – Wichita .

Adult Day Care: Douglas County Senior Services – Lawrence.

Exemplary Care Awards.

Secretary Bremby of KDHE recognized the facilities listed below for exemplary care. The Exemplary care award means that the facilities were found on the most recent resurvey to be in substantial compliance with the regulations and in addition had developed a care management system that improved the lives of the residents. The Secretary sent a letter of recognition and a press release was provided to area media outlets.

Enterprise Estates – Enterprise

The facility had created a homelike environment that supported residents. The staff had developed an innovative restorative nursing program that had greatly benefited residents in the areas of mobility and activities of daily living. There was good teamwork across disciplines by caring and compassionate staff.

Garden Terrace – Overland Park

The facility does not use physical restraints. Direct care staff is actively involved in the restorative nursing program. This facility serves persons with dementia. Because of their emphasis on physical activity, residents are able to be ambulatory even though they have advanced disease.

Aberdeen Village – Olathe

This facility continues to emphasize mobility of residents through their restorative nursing program. The meal service allows residents to choose from a menu with multiple choices. Residents are assisted by staff and are served individually. Snacks are available to residents at all times and the kitchen is open 24 hours for food service if requested by a resident.

Kansas City Presbyterian Manor – Kansas City

Direct care staff on all units are routinely involved in the activity programs as are activity staff. The programs for the dementia unit resulted in active participation by the residents. All nursing units show a reduction of negative behaviors attributable to participation by residents in meaningful activities.

CONSULTANT NURSE CORNER

The requirement for involuntary discharge was the most frequently asked question during the past three months. Below are resources that facility staff may refer to for information on this regulatory issue.

The federal requirement for admission, transfer, and discharge rights can be found at 42 CFR 483.12 and KAR 28-39-148. In the Guidance to Surveyors the involuntary discharge/transfer requirements start on page PP-43.

“The resident’s physician must document when the following conditions exist:

- (1) transfer/discharge is necessary to meet the resident’s welfare and the resident’s welfare cannot be met in the facility
- (2) transfer/discharge is appropriate because the resident’s health has improved sufficiently so the resident no longer needs the services provided in the facility”

“Any physician can document when the following exist:

- (1) The health and safety of individuals in the facility is and/or would be endangered...”

The notice requirements for discharge/transfer addresses the notification of the resident and, if known the family member or legal representative. The facility must record the reasons for the involuntary discharge in the resident’s clinical record.

The following must be included in the contents of the notice:

- (1) Reason and effective date of the transfer/discharge.
- (2) The location to which the resident is transferred/discharged.
- (3) A statement that the resident has the right to appeal the action to the Department of Administration at the following address:

**Department of Administration
Office of Administrative Hearing
1020 South Kansas Avenue
Topeka, KS 66612-1327**

(4) The address and phone number of KDOA Complaint Program where an involuntary discharge complaint can be filed:

**Kansas Department on Aging
Curtis State Office Building
1000 SW Jackson, Suite 330
Topeka, Kansas 66612-1365
(1-800-842-0078)**

(5) The name, address and phone number of the Long Term Care Ombudsman or in the case of a resident with developmental disabilities or mental illness, the mailing address and phone number of Kansas Advocacy & Protection Services, the agency responsible for the protection and advocacy for the developmentally disabled/mentally ill.

**Office of the State Long Term Care Ombudsman
Landon State Office Building
900 SW Jackson Street, room 1041
Topeka, Kansas 66612-1220
1-877-662-8362**

**Kansas Advocacy & Protection Services
3745 SW Wanamaker
Topeka, KS 66610
1-877-776-1541**

Note corrected address and phone number.

The notice must be provided at least 30 days prior to the transfer/discharge unless the following conditions exist:

- (1) Endangerment to the health or safety of others in the facility;
- (2) when a resident's health has improved to allow a more immediate transfer or discharge; or
- (3) an immediate transfer of discharge is required by the resident's urgent medical needs.

**** Please note that KSA 39-936(g) supercedes the portion of 42 CFR 483.12 that says a 30 day notice is not required when a resident has resided in a facility less than 30 days. Residents residing in a facility for less than 30 days must receive a 30 day notice for an involuntary discharge in the state of Kansas.**

The orientation of the resident to be discharged can be found in the Guidance to Surveyors under 42 CFR 483.12 and KAR 28-39-148 (f) & (g). KAR 28-39-148 also requires that the facility develop a discharge plan with the involvement of the resident, family, or legal representative when practicable. KAR 28-39-148 also requires that if a resident is transferred or discharged, sufficient information will accompany the resident to assure continuity of care in the new facility.

NOTE: Nursing facilities that do not participate in the Medicaid program are not required to include the Department of Administration in a notice of involuntary discharge.

RESOURCES FOR QUALITY CARE

Anderson, R. (2003). Nursing Home Management and Patient Outcomes; Leadership Makes a Different. *Nursing Research*, 52 (1):12-21.

This article discusses the results of a survey of 164 nursing facilities in one site. The focus of the survey was the influence of leadership style and the experience of the director of nursing had on resident outcomes. The outcomes included incidence of aggressive behavior, the need for physical restraints, complications of immobility and the incidence of fractures.

Facilities with directors of nursing who were experienced and had good communication skills had lower rates of complications due to lowered immobility and physical restraint use. Facilities with registered nurses, who participated in clinical decision making, had lower rates of behavior problems among residents.

Jones Ellen Davis. (2003). Reminiscence therapy for older women with depression: Effects of nursing intervention classification in assisted-living long-term care, *Journal of Gerontological Nursing*, 29 (7), 26-33.

Reminiscence therapy has been shown to be a cost-effective, therapeutic intervention that can prevent or improve depression in older adults. The study described in this article was conducted in an assisted living setting. The group leaders were nurses. Residents were encouraged to share pictures and memorabilia about their past life. Emphasis was encouraging residents to look back on their lives with increased satisfaction and a sense of accomplishment.

Pearson, A., Fitzgerald, M. and Nay, R. (2003). Mealtimes in nursing homes: The role of the staff. *Journal of Gerontological Nursing*, 29 (6), 41-47.

Mealtimes are important in the daily life of residents. This study demonstrates that staff in a facility are not always conscious of how everyday practices related to mealtimes affect residents.

KANSAS DEPARTMENT ON AGING
Licensure, Certification and Evaluation Commission

Greg L. Reser, Interim Commissioner

Phone (785) 296-1240

LICENSURE AND CERTIFICATION DIVISION

Questions related to state licensure, Medicare/Medicaid, survey supervision and management and state survey agency operations.

Greg Reser
(785) 296-1260

Licensure, letters of intent, licensure forms, change of ownership and change of administrator.

Rita Bailey
(785) 296-1259

Long Term Care Enforcement

Jeannie Urban-Wurtz
(785) 368-7055

Plans of Correction and surveyor training

Donna Deason
(785) 296-1248

Quality Improvement, microcomputer systems support/data aggregation/web support

Steve Johnson

(785) 296-3695

Complaint coordinator

Mary Jane Kennedy
(785) 296-1265

LONG TERM CARE DIVISION

Policies and regulations related to the operation of nursing facilities, assisted living/residential health care facilities, home plus and adult day care. RAI Coordinator. Questions related to MDS, RAPs and care planning, quality indicators, MDS submission and educational programs.

Patricia Maben
(785) 296-1246

Standards of practice for nutrition and hydration of patients and residents, sanitation and organization of kitchens in health care facilities and survey process related to nutrition, hydration and sanitation. Questions related to the practice of licensed dietitians and dietary managers. Issues related to semi-annual reports and statistical reports.

Sandra Dickinson
(785) 296-1245

Questions related to the physical environment of current and proposed health care facilities and changes in the use of a required room or area.

Al Gutierrez
(785) 296-1247

MENTAL HEALTH/RESIDENTIAL CARE FACILITY DIVISION

Nursing facilities for Mental Health, Intermediate Care Facilities for the Mentally Retarded, Free-Standing Assisted Living/Residential Health Care Facilities, Home Plus, Boarding Care facilities and Adult Day Care issues related to surveys.

Gary Ingenthron
(785) 296-1253

Joleen Morris, Regional Manager
(785) 296-1269

REGIONAL MANAGERS

Karen Craig, RN, Regional Manager
Lawrence District Office
800 W. 24th Street
Lawrence, KS 66046-4417

(785) 842-4600

Glenda Kracht, RN, Regional Manager
North Central District Office
2501 Market Place, Ste. D
Salina, KS 67401

(785) 827-9639

Regional Manager
South Central District Office
130 S. Market, 6th Floor
Wichita, KS 67202-3826

(316) 337-6063

Joleen Morris, Regional Manager
Mental Health & Residential Care Facilities Div.
Curtis State Office Bldg.
1000 SW Jackson Street, Ste. 330
Topeka, KS 66612-1365

(785) 296-1269

Kim Pepperd, RN, Regional Manager
Western District Office
PO Box 261
Kinsley, KS 67547

(620) 659-3548

Mary Saporito, RN, Regional Manager
Southeast District Office
PO Box 77
Weir, KS 66781

(620) 429-3879

Audrey Sunderraj, Regional Manager
Northeast District Office
Curtis State Office Bldg.
1000 SW Jackson Street, Ste. 330
Topeka, KS 66612-1365

(785) 296-1023

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT HEALTH OCCUPATIONS CREDENTIALING	
Kansas Nurse Aide Registry; Interstate or reciprocity for aides	Melinda Reynard-Lindsey
	(785) 296-0059 (after 3:00 pm)
	mreynard@kdhe.state.ks.us
Adult care home administrators, dietitians, speech language pathologist, audiologists initial license, license renewal and reinstatement and verification.	<u>Brenda Nesbitt</u> (785) 296-0061
Health Occupations Credentialing Act	<u>Marla Rhoden</u> (785) 296-6647
Nurse Aide training courses, sponsorship programs, course approvals and continuing education approval for licensees. Test for adult care home administrators.	<u>Dolores Staab</u> (785) 296-6796
Test scheduling for nurse aides or challenging a nurse aide test with higher education.	<u>Betty Domer</u> (785) 296-1250
Medication aides	<u>Sheila Seymour</u> (785) 296-0060
Education policies	<u>Martha Ryan</u> (785) 296-0058
Criminal record check program.	<u>Steve Irwin</u> (785) 296-8628

**MDS 2.0 EDUCATION SCHEDULE
FALL 2003**

DATE	TIME	LOCATION
October 1, 2003	9:00am to 4:00 pm	Topeka and Shawnee County Public Library 1515 SW 10 th Street Topeka, KS (785) 580-4400 Irving and Peggy Sheffel Room located to the left of the main entrance. Parking is available off Washburn Avenue. Library has a restaurant, Millennium Café. The café opens at 9:00 am and serves lunch. Participants in the workshop can bring food and beverages into the classroom from the café. Participants may also obtain lunch at restaurants close to the library.

DATE	TIME	LOCATION
November 5, 2003	9:00am to 4:00 pm	Cornerstone Village (located to the East of Mt. Carmel Regional Medical Center) 1502 East Centennial Pittsburg, KS (620) 235-0020 Parking is available on site. Ask for directions when entering the facility. There are a number of restaurants available in the area.

This education offering is provided by the Kansas Department on Aging. A fee is **NOT** charged. Continuing education certificates will **NOT** be provided.

Contact Patricia Maben at (785) 296-1240 or E-mail at pmaben@kdhe.state.ks.us for any questions about the above educational offerings.

**KANSAS DEPARTMENT ON AGING
LICENSURE, CERTIFICATION AND EVALUATION COMMISSION
MDS EDUCATION FOR NURSING FACILITIES**

ENROLLMENT FORM

Please enroll the following individuals in the following education session:

Date: _____

Location: _____

Name/Licensure of Staff Registering for Session

1) _____

2) _____

3) _____

4) _____

5) _____

6) _____

Nursing Facility _____

Nursing Facility Mailing Address _____

E-mail Address _____

Provide a personal phone number for one of the above individuals for notification if there is a need to reschedule the class due to inclement weather: _____

Please mail enrollment form to:

MDS Enrollment
Licensure, Certification and Evaluation Commission
Kansas Department on Aging
1000 SW Jackson, Suite 330
Topeka, KS 66612-1365

Or FAX form to (785) 296-1266.

Each facility must provide attendees with a copy of the ***RAI User's Manual*** (December, 2002 version). Manuals are available on the CMS website or can be purchased from a variety of health care publishing companies.